REMARKS

Claims 1-20 are all of the claims presently pending in the present Application. Claims 4-6 and 8-13 have been amended to more particularly define the invention. Claims 14-20 have been added to claim additional features of the invention.

It is noted that the claim amendments herein are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims, or for any statutory requirements of patentability.

Further, it is noted that, notwithstanding any claim amendments made herein, Applicants' intent is to encompass equivalents of all claim elements, even if amended herein or later during prosecution.

Applicant gratefully acknowledges the Examiner's indication that claims 2 and 9 would be allowable if rewritten in independent form. However, Applicant respectfully submits that all of the claims are allowable.

Claims 1, 3 and 8 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Ma et al. (U.S. Patent No. 6,795,867). Claims 4-7 and 10-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ma et al. in view of Mortsolf et al. (U.S. Patent No. 6,229,804).

These rejections are respectfully traversed in view of the following discussion.

I. THE CLAIMED INVENTION

The claimed invention (e.g., as recited in claim 1) is directed to a gatekeeper connected to an H323 network, including a first message receiving section which receives a gatekeeper discovery message from an end point, a transport data transmitting section, and a control section which determines whether the gatekeeper has the lightest load among a plurality of gatekeepers including the gatekeeper, and controls the transport data transmitting section to transmit transport data to the end point in response to the gatekeeper discovery message, when it is determined that the gatekeeper has the lightest load.

In conventional networks, when a gatekeeper receives a gatekeeper discovery message from an end point, if the gatekeeper can register the data of the end point the gatekeeper sends back a registration possible message regardless of the condition of other gatekeepers. Thus, the load of a gatekeeper can become much heavier or much lighter than other gatekeepers in the network (Application at page 2, lines 1-16).

In the claimed invention, on the other hand, the gatekeepers do not necessarily have a dependency relationship (e.g., may operate independent of one another) but may share information (e.g., load stated information) with each other. Further, the gatekeepers may autonomously determine which of the gatekeepers has a lightest load.

In addition, the claimed invention includes a gatekeeper having a control section which determines whether the gatekeeper has the lightest load among a plurality of gatekeepers including the gatekeeper, and controls the transport data transmitting section to transmit transport data to the end point in response to the gatekeeper discovery message, when it is determined that the gatekeeper has the lightest load (Application at page 19, line 15-page 20, line 23). As a result, a load for an end point can be prevented from centering on a specific gatekeeper, and can be efficiently distributed among gatekeepers in the network (Application at page 20, line 24-page 21, line 3).

II. THE ALLEGED PRIOR ART REFERENCES

A. Ma

The Examiner alleges that Ma teaches the claimed invention of claims 1, 3 and 8. Applicant submits, however, that there are elements of the claimed invention which are neither taught nor suggested by Ma.

Ma discloses a telephony system which allegedly manages gatekeeper load by redirecting calls from an assigned gatekeeper to a servicing gatekeeper during call setup. Specifically, the system includes a gatekeeper having a load management unit (LMU) which processes all setup

messages. In particular, the LMU **selects a gatekeeper** in the network to setup and service the call and, based on the selection, either directs the assigned gatekeeper to setup and service the call or redirects the endpoint to a servicing gatekeeper (Ma at col. 2, lines 43-65).

However, contrary to the Examiner's allegations, Ma does not teach or suggest *"a control section which determines whether said gatekeeper has the lightest load among a plurality of gatekeepers including said gatekeeper, and controls said transport data transmitting section to transmit transport data to said end point in response to the gatekeeper discovery message, when it is determined that said gatekeeper has the lightest load,"* as recited, for example, in claim1 and similarly recited in claim 8. As noted above, this helps to prevent a load for an end point from centering on a specific gatekeeper, such that the load can be efficiently distributed among gatekeepers in the network (Application at page 20, line 24-page 21, line 3).

Also as noted above, in the claimed invention, the gatekeepers do not necessarily have a dependency relationship (e.g., may operate independent of one another) but may share information (e.g., load stated information) with each other. Further, the gatekeepers may autonomously determine which of the gatekeepers has a lightest load.

Clearly, these novel features are not taught or suggested by Ma. Indeed, the Examiner attempts to equate the load management unit (LMU) in the Ma system with the control section in the claimed invention. However, this is clearly incorrect.

Indeed, as noted above, the load management unit (LMU) in Ma processes **all** setup messages. In particular, the LMU **selects a gatekeeper** in the network to setup and service the call and, based on the selection, either **directs the assigned gatekeeper to setup and service** the call **or redirects the endpoint to a servicing gatekeeper** (Ma at col. 2, lines 43-65).

That is, nowhere does Ma teach or suggest that the LMU determines whether the gatekeeper **has the lightest load**. Indeed, Ma discloses several criteria for redirecting calls to other gatekeepers, but a "lightest load"is not among the criteria (Ma at col. 6, lines 49-51).

Further, nowhere does Ma teach or suggest that the LMU controls a transport data

transmitting section to **transmit transport data to the end point in response to the gatekeeper discovery message** (e.g., when it is determined that the gatekeeper has the lightest load). Indeed, Ma teaches that if a first gatekeeper receives a call and the LMU determines that a second gatekeeper should service the call, the LMU directs the first gatekeeper to issue a redirect message to the endpoint, directing the gateway to send a setup message to the second gatekeeper (Ma at col. 6, lines 10-24).

This is clearly unrelated to the claimed invention in which the control section **determines whether the gatekeeper has the lightest load** and controls the transport data transmitting section to **transmit transport data to the end point in response to a gatekeeper discovery message when it is determined that the gatekeeper has the lightest load.**

Therefore, Applicant submits that there are elements of the claimed invention that are not taught or suggested by Ma. Therefore, the Examiner is respectfully requested to withdraw this rejection.

B. Mortsolf

The Examiner alleges that Ma would have been combined with Mortsolf to form the invention of claims 4-7 and 10-13. Applicant submits, however, that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention.

Mortsolf discloses an election protocol for an Internet telelphony system in one gatekeeper is elected to be an active gatekeeper. The system sorts the gatekeepers into a hierarchy with the highest ranked gatekeeper designated to respond to request messages, while the other gatekeepers stand by in idle mode and do not respond to gatekeeper requests (Mortsolf at Abstract).

Applicant respectfully submits that these references would not have been combined as alleged by the Examiner. Indeed, these references are completely unrelated, and no person of

ordinary skill in the art would have considered combining these disparate references, absent impermissible hindsight.

Indeed, these references clearly do not teach or suggest their combination. Therefore, Applicant respectfully submits that one of ordinary skill in the art would not have been so motivated to combine the references as alleged by the Examiner. Therefore, the Examiner has failed to make a prima facie case of obviousness.

Moreover, neither Ma, nor Mortsolf, nor any alleged combination teaches or suggests *"a control section which determines whether said gatekeeper has the lightest load among a plurality of gatekeepers including said gatekeeper, and controls said transport data transmitting section to transmit transport data to said end point in response to the gatekeeper discovery message, when it is determined that said gatekeeper has the lightest load,"* as recited, for example, in claim1 and similarly recited in claim 8.

As noted above, this helps to prevent a load for an end point from centering on a specific gatekeeper, such that the load can be efficiently distributed among gatekeepers in the network (Application at page 20, line 24-page 21, line 3).

Clearly, these novel features are not taught or suggested by Mortsolf. Indeed, the Examiner has not even alleged that this feature is taught or suggested by Mortsolf.

In fact, as noted above, Mortsolf teaches that one gatekeeper is elected (e.g., arbitrarily elected) to be an active gatekeeper. Further, the gatekeepers are sorted into a hierarchy with the only one gatekeeper designated to respond to request messages, while the other gatekeepers stand by in idle mode and do not respond to gatekeeper requests.

Thus, nowhere does Mortsolf teach or suggest that a gatekeeper determines whether it **has the lightest load.** Further, nowhere does Mortsolf teach or suggest that a gatekeeper **transmits transport data to the end point in response to the gatekeeper discovery message when it is determined that the gatekeeper has the lightest load.** Therefore, Mortsolf clearly does not make up for the deficiencies of Ma.

Therefore, Applicant submits, however, that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention. Therefore, the Examiner is respectfully requested to withdraw this rejection.

III. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicant submits that claims 1-20, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: 6/10/05

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the foregoing Response was filed by facsimile with the United States Patent and Trademark Office, Examiner Albert Chou, Group Art Unit # 2662 at fax number (703) 872-9306 this 10th day of June, 2005.

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